



February 18, 2003

---

## HOUSE BILL No. 1377

---

DIGEST OF HB 1377 (Updated February 11, 2003 8:21 PM - DI 108)

**Citations Affected:** IC 6-1.1; noncode.

**Synopsis:** Expedited tax sale. Provides that a taxpayer who is eligible for a homestead credit for the taxed real property has one year from the date of sale to redeem and that noneligible property owners have 180 days to redeem.

**Effective:** July 1, 2003.

---

---

### Day, Buell, Moses, Stine

---

---

January 14, 2003, read first time and referred to Committee on Local Government.  
February 17, 2003, amended, reported — Do Pass.

---

---

C  
o  
p  
y

HB 1377—LS 6544/DI 103+



February 18, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1377

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 6-1.1-25-4, AS AMENDED BY P.L.1-2002,  
2 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2003]: Sec. 4. (a) The period for redemption of real property  
4 sold under IC 6-1.1-24 is:

5 (1) one (1) year after the date of sale **for a taxpayer who is**  
6 **eligible to claim the homestead credit for property taxes owed**  
7 **on the real property under IC 6-1.1-20.9;**

8 (2) **one hundred eighty (180) days after the date of sale for a**  
9 **taxpayer that is not eligible to claim the homestead credit for**  
10 **the taxed real property under IC 6-1.1-20.9;**

11 (3) one hundred twenty (120) days after the county acquires a lien  
12 on the property under IC 6-1.1-24-6;

13 ~~(3)~~ (4) one hundred twenty (120) days after the date of sale to a  
14 purchasing agency qualified under IC 36-7-17;

15 ~~(4)~~ (5) one hundred twenty (120) days after the date of sale of real  
16 property on the list prepared under IC 6-1.1-24-1.5; or

17 ~~(5)~~ (6) one hundred twenty (120) days after the date of sale under

HB 1377—LS 6544/DI 103+



IC 6-1.1-24-5.5(b).

(b) When a deed for real property is executed under this chapter, the county auditor shall cancel the certificate of sale and file the canceled certificate in the office of the county auditor. If real property that appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale and an amount that is at least equal to the minimum sale price required under IC 6-1.1-24-5(e) is not received, the county auditor shall issue a deed to the real property in the manner provided in IC 6-1.1-24-6.5.

(c) When a deed is issued to a county under this chapter, the taxes and special assessments for which the real property was offered for sale, and all subsequent taxes, special assessments, interest, penalties, and cost of sale shall be removed from the tax duplicate in the same manner that taxes are removed by certificate of error.

(d) A tax deed executed under this chapter vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law and the lien of the state or a political subdivision for taxes and special assessments which accrue subsequent to the sale and which are not removed under subsection (c). However, the estate is subject to:

- (1) all easements, covenants, declarations, and other deed restrictions shown by public records;
- (2) laws, ordinances, and regulations concerning governmental police powers, including zoning, building, land use, improvements on the land, land division, and environmental protection; and
- (3) liens and encumbrances created or suffered by the grantee.

(e) A tax deed executed under this chapter is prima facie evidence of:

- (1) the regularity of the sale of the real property described in the deed;
- (2) the regularity of all proper proceedings; and
- (3) valid title in fee simple in the grantee of the deed.

(f) A county auditor is not required to execute a deed to the county under this chapter if the county executive determines that the property involved contains hazardous waste or another environmental hazard for which the cost of abatement or alleviation will exceed the fair market value of the property. The county may enter the property to conduct environmental investigations.

(g) If the county executive makes the determination under subsection (f) as to any interest in an oil or gas lease or separate mineral rights, the county treasurer shall certify all delinquent taxes,

C  
o  
p  
y



1 interest, penalties, and costs assessed under IC 6-1.1-24 to the clerk,  
2 following the procedures in IC 6-1.1-23-9. After the date of the county  
3 treasurer's certification, the certified amount is subject to collection as  
4 delinquent personal property taxes under IC 6-1.1-23. Notwithstanding  
5 IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an  
6 interest shall be zero (0) until production commences.

7 SECTION 2. [EFFECTIVE JULY 1, 2003] (a) **IC 6-1.1-25-4, as**  
8 **amended by this act, applies only to properties sold at a tax sale**  
9 **after June 30, 2003.**

10 (b) **This SECTION expires July 1, 2007.**

C  
o  
p  
y



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1377, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "in a county that does not" and insert "**for a taxpayer who is eligible to claim the homestead credit for property taxes owed on the real property under IC 6-1.1-20.9;**".

Page 1, delete line 6.

Page 1, line 7, delete "in a" and insert "**for a taxpayer that is not eligible to claim the homestead credit for the taxed real property under IC 6-1.1-20.9;**".

Page 1, delete line 8.

and when so amended that said bill do pass.

(Reference is to HB 1377 as introduced.)

MOSES, Chair

Committee Vote: yeas 9, nays 3.

C  
o  
p  
y

